

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Use of N11 Codes and Other)	CC Docket No. 92-105
Abbreviated Dialing Arrangements)	
)	

**Reply Comments of the
United States Department of Transportation**

Introduction

Through this proceeding the Federal Communications Commission (“FCC” or “Commission”) is carrying out the requirements of section 17 of the Pipeline Safety Act of 2002. Pub. Law No. 107-355, § 17, 116 Stat. 2985, 3008 (2002)(“the Act”). That provision directs the Commission and the United States Department of Transportation (“DOT” or “Department”) to establish a nationwide three-digit telephone dialing code to provide access to “One Call” centers in order to reduce excavation damage to vital underground facilities.¹ The FCC has proposed to assign the number “811” for this purpose and has asked for comment on this and other matters, including various implementation issues.

The Department has reviewed the initial comments of interested parties and submits this reply. In brief, DOT continues to support 811 if the Commission chooses to allocate that number rather than the “344” dialing code we originally sought. In order to

¹/ Outside force such as excavation work is the largest source of damage to underground systems like pipelines, fiber optic conduits, etc. One Call centers route telephone calls from those planning excavation projects to owners and operators of these systems in the relevant area. If necessary, potentially affected operators can then communicate with the excavator and take steps to avoid harm in the course of the actual digging.

secure the full benefits from the abbreviated dialing code mandated by Congress, DOT disfavors both continued use of “#344” by individual telephone companies and sharing of 811 or other number adopted with any other use. We also urge the FCC to require nationwide implementation of the number chosen by a date certain, but also to allow earlier use.

Initial Comments

Most parties supported adoption of 811, for the reasons explained by the FCC in its NPRM.² *See* the initial comments of Cingular Wireless; American Petroleum Institute/Association of Oil Pipelines; American Gas Association; National Telecommunications Cooperative Association; CTIA – The Wireless Association; and Michigan Public Service Commission.³

Although the Department originally supported 344, we wish to be sensitive to the need to conserve scarce numbering resources, and we also agree that the special nature of N11 codes makes 811 amenable to a public education campaign linking it to One Call centers. *See* the initial comments of DOT. The Department would therefore continue to support a Commission decision to adopt 811.

^{2/} The Commission largely agreed with the recommendations of its Federal Advisory Committee, the North American Numbering Council (“NANC”), in this regard. Specifically, the 344 abbreviated dialing code initially proposed by DOT did not adequately preserve scarce numbering resources and entailed greater technical and financial burdens than 811, and there is broad public recognition that N11 codes (such as 811) are set aside for particularly important purposes, and so lend themselves to increased acceptance and widespread use.

^{3/} Additional parties favored 811 only as a secondary choice and, like NANC, supported a legislative change mandating a ten-digit dialing code as a superior alternative. *See* the initial comments of the California Public Utilities Commission; BellSouth Corporation; Verizon Wireless, etc. The Department has no comment on the prospects or desirability of such a change -- other than to note that, as outlined in our petition, a nationwide ten-digit code has already been tried.

There is a difficult related issue in the record for DOT. Several comments note that wireless telephone companies by and large have for some time devoted “#344” for their subscribers to notify One Call centers. The underlying concern seems to be that adoption of a different three-digit code would abandon this successful arrangement and result in a reduction in such calls, to the detriment of underground facilities. *See* the initial comments of the Common Ground Alliance; Cingular Wireless; American Petroleum Institute/Association of Oil Pipelines; CTIA – The Wireless Association; and Sunoco Logistics.

The Department appreciates the intuitive value and utility of #344 to reach One Call centers for the same reasons we first sought allocation of 344. However, and leaving aside the question whether #344 as an additional dialing code fully complies with the Act, it is ultimately paramount that all callers from all telephones be able to use a single number to reach the appropriate One Call center in advance of digging. It is this nationwide identity that will provide the certainty and reliability required for maximum usage and maximum benefit. The use of different codes by different telephones or types of telephones can only engender confusion as people find themselves using different telephones at different times. Access to One Call centers by a single number must be a constant across telephony platforms. DOT accordingly opposes multiple dialing codes, including continued use of #344 if the Commission designates 811.⁴ For the same reasons we join others in opposition to sharing an abbreviated dialing code with other uses. *See* the initial comments of the Common Ground Alliance; Cingular Wireless;

⁴/ By the same token, should the FCC ultimately decide to adopt 344, DOT would support continued use of #344 by wireless carriers.

American Petroleum Institute/Association of Oil Pipelines; and Northeast Gas Association.

Two issues about which commenters disagree are the appropriate timeframe for putting into use the dialing code chosen and whether to delegate authority to the states to implement the decision.⁵ The Department takes no position on the appropriate timeframe or whether authority should be delegated. DOT *does* encourage expedited implementation, however, and so we recommend that the Commission both fix a date certain by which the number must be in use nationwide, and also allow individual states, regions, and telephone companies to begin use of the number whenever they have completed all preparatory steps and are ready before that date. This would permit an earlier beginning to the necessary public education campaign, and, possibly, an earlier realization of the public benefits of the new dialing code.

⁵/ Parties expect that full implementation will take from one to three years. *See* the initial comments of Verizon; CTIA – The Wireless Association; California Public Utilities Commission; and SBC Communications. State regulatory agencies support delegation of implementing authority, while others addressing this question generally do not. *Cf., e.g.,* the initial comments of the Michigan Public Service Commission and the California Public Utilities Commission with those of the Northeast Gas Association and SBC Communications.

Conclusion

After consideration of all relevant factors, the Department would continue to support a decision to adopt 811 for nationwide access to One Call centers. Should the Commission ultimately select 344, DOT would endorse that as well. Regardless of the actual number, it is paramount that there be a single dialing code devoted to this purpose, in order to promote consistency, reliability and widespread use. DOT also favors expedited nationwide implementation of the new abbreviated dialing code by a date certain, although earlier implementation by different regions should be permitted.

Respectfully submitted,

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